

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 21330 of 1995

Between:

- 1 Mattaparti Lokeswararao, S/o. Muniswamy, Hindu,
R/o. Kesavaram
- 2 M. Appayamma, W/o. Muniswamy,
R/o. Kesavaram

..... PETITIONERS

AND

- 1 Govt. of A.P. rep. by the Collector, Kakinada.
- 2 Mandal Revenue Officer, Kadium
- 3 Executive Engineer, Drains, Kakinada.
- 4 Land Acquisition Officer, Y.I.S. Division, D.O.II,
Sub-Collector, Rajahmundry.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus, or any other appropriate Writ, Order or Direction, directing the respondents to pay the petitioner compensation for the acquisition of Ac.2.34 cents in R.S.No.177 and 178 of Jegurupadu Village, Kadium Mandalam, E.G. District or in the alternative, directing the respondents to allot the petitioner a suitable equivalent land.

Counsel for the Petitioner: MR.M.LAKSHMANA SARMA

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following ORDER:

ORDER:

The petitioners' father was granted land in patta No.1038 to an extent of Acs.3.64 located in Jegurupadu village, Kadiam Mandal, East Godawari District consisting of Acs.1.05 in R.S.No.177, Acs.1.31 in R.S.No.178, and Acs.1.28 in R.S.No.179 in the year 1962. After the death of the father of the petitioners, the petitioners have been in possession and enjoyment of the land in question. Alleging that the Government had acquired the lands of the petitioners to an extent of Acs.2.34 for the purpose of construction of drains for the Eleru project, without issuing any notice under any law

and without paying any compensation, the petitioners filed the present writ petition for a direction to the respondents to pay compensation for the lands acquired by them.

In the counter affidavit it is stated that an extent of Acs.0.70 in S.No.178 is stated to be taken away by the Government in connection with Kadium Ava Drain in the year 1971 and the lands to an extent of Acs.1.03 in S.No.177 and Acs.0.61 in S.No.178 of Jegurupadu were resumed by the Government and handed over to the Executive Engineer, Y.I.S. Division, Samalkota for excavation work of surplus course of channel, vide proceedings No. L7/3203/93, dated 26-4-1993. It is further stated that before resuming the lands a notice has been issued to Sri M. Lokeswara Rao S/o. Muniswamy stating that the lands are being resumed by the Government for public purpose. It is also submitted that the Collector, Kakinada reported that an extent of Acs.0.70 out of Acs.1.31 in S.No.178 is stated to be taken by the government for Ava Drain, and as the lands in question are also required, they were resumed and handed over to Executive Engineer, YIS Division, Samalkota. It is also submitted that an extent of Acs.0.70 in S.No.178 was taken possession in the year 1971 and as such there is a delay of nearly 24 years in approaching this Court and hence the petitioners cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

In view of the submission made in the counter affidavit that the lands have already been resumed long back, and the petitioners have not chosen to question the resumption, at this point of time, they cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India. I do not see any merits in the writ petition.

Accordingly the Writ Petition is dismissed. No costs.

T. Meena Kumari, J.

4th November, 2004.

Js.

ASSISTANT REGISTRAR

To

- 1 Govt. of A.P. rep. by the Collector, Kakinada.
- 2 Mandal Revenue Officer, Kadium
- 3 Executive Engineer, Drains, Kakinada.
- 4 Land Acquisition Officer, Y.I.S. Division, D.O.II,
Sub-Collector, Rajahmundry.

7 Two CCs to G.P. for Land Acquisition, High Court Buildings,
High Court of A.P., Hyderabad. (OUT).

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